



**U.S. Department of Justice**

**Office of Legislative Affairs**

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**OCT 19 2021**

The Honorable Charles E. Grassley  
United States Senate  
Washington, DC 20510

Dear Senator Grassley:

This responds to your July 12, 2021 letter to the Attorney General concerning various Department of Justice (Department) and Administration policies, including the Administration's National Strategy to Counter Domestic Terrorism, the 2016 attack on Dallas police officers, and the relationship between firearms and violent crime.

The Administration's National Strategy to Counter Domestic Terrorism (the Strategy) provides a framework for the U.S. Government and partners to understand and share domestic terrorism related information; prevent domestic terrorism recruitment and mobilization to violence; disrupt and deter domestic terrorism activity; and confront long term contributors to domestic terrorism. Combatting domestic terrorism is not a partisan issue. On the contrary, as the Strategy makes clear, "[i]t is critical that we condemn and confront domestic terrorism regardless of the particular ideology that motivates individuals to violence. The definition of 'domestic terrorism' in our law makes no distinction based on political views – left, right, or center – and neither should we."<sup>1</sup>

As the Attorney General noted on June 15, 2021, the Strategy, "is the culmination of an effort undertaken at the President's direction by federal agencies all across the government – from the Justice Department to the Departments of Homeland Security, Defense, State, Health and Human Services, and others."<sup>2</sup> Staff with relevant expertise in the Department participated in the process to develop the strategy.

With respect to your questions about the 2016 Dallas shooting, as then-President Obama noted at the time, this incident was "a vicious, calculated and despicable attack on law enforcement."<sup>3</sup> The FBI has included the Johnson incident under multiple classifications, including but not limited to "Violent Incident Crimes – Domestic" and "Racially Motivated

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<sup>1</sup> National Security Council, *National Strategy for Countering Domestic Terrorism* (June 2021) at 13.

<sup>2</sup> Attorney General Merrick B. Garland Remarks As Delivered: Domestic Terrorism Policy Address (June 15, 2021).

<sup>3</sup> President Obama Remarks As Delivered: President Obama Speaks at a Memorial Service in Dallas (July 12, 2016), available online at <https://obamawhitehouse.archives.gov/blog/2016/07/08/live-updates-attack-law-enforcement-dallas-texas>.

Violent Extremism.” As Director Wray has publicly testified, the Bureau no longer uses term Black Identity Extremism.<sup>4</sup>

You also asked about the extent to which unserialized, privately made firearms (PMFs, sometimes called “ghost guns”) are used to commit violent crimes. As the Department explained in a notice of proposed rulemaking (NPRM) earlier this year, the number of PMFs reported to have been recovered at crime scenes in recent years has increased substantially.<sup>5</sup> From January 1, 2016, through December 31, 2020, there were approximately 23,906 suspected PMFs reported to ATF as having been recovered by law enforcement from crime scenes, including 325 homicides or attempted homicides. The NPRM further explained that these numbers are likely far lower than the actual number of PMFs recovered from crime scenes because, for example, some law enforcement partners may not contact ATF to attempt to trace firearms with no serial number or other identifiable markings.

While the Department does not specifically track the type of firearms used to commit violent offenses, firearm trace submissions to ATF can provide one gauge of how frequently different types of weapons are recovered in criminal investigations. When ATF recovers or traces a firearm used in a crime, it determines the time that elapsed between the last purchase from a federally licensed dealer and the crime, but this information often does not capture intervening and undocumented private secondary market sales. Overall, the number of crime gun trace requests has increased significantly in recent years. Based on available trace data, handguns continue to be the primary crime gun recovered in the United States. Semiautomatic rifles are also frequently traced and have been connected to multiple high-profile, multiple-victim shootings over the past decade.

As you know, in May 2021, the Department announced a comprehensive strategy to reduce violent crime that it developed after significant consultation with law enforcement groups and other community stakeholders. The strategy is described in significant detail in the attached directive that the Deputy Attorney General issued on May 26, 2021.<sup>6</sup> The Department has also taken specific steps to help curb the gun violence that continues to be an epidemic in our communities—from launching five cross-jurisdictional strike forces to disrupt illegal firearms trafficking networks that fuel violence to publishing model legislation on extreme risk protection orders that provides a framework for states to consider. You referred specifically to the Department’s announcement in June 2021 that it would take steps to hold gun dealers responsible when they break the rules and endanger public safety—such as when they willfully fail to run background checks, sell firearms to prohibited persons, or falsify records. Most federally licensed firearms dealers operate legally in selling guns to individuals who have passed background checks. But the Department will take all appropriate steps to protect public safety

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<sup>4</sup> *Oversight of the Federal Bureau of Investigation: Hearing Before the Senate Judiciary Committee*, 116th Congress (July 23, 2019).

<sup>5</sup> Definition of Frame or Receiver and Identification of Firearms, 86 F.R. 27720 (May 21, 2021).

<sup>6</sup> Memorandum from Deputy Attorney General Monaco for Department of Justice Employees: Comprehensive Strategy for Reducing Violent Crime (May 26, 2021), available online at <https://www.justice.gov/dag/page/file/1397921/download>

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when dealers willfully violate the law and increase the risk that guns end up in the hands of those who are legally prohibited from having them.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joe Gaeta', with a long horizontal flourish extending to the right.

Joe Gaeta  
Deputy Assistant Attorney General

cc: The Honorable Richard J. Durbin  
Chairman  
Committee on the Judiciary